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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gastineau *et al.*

Appl. No. 09/536,258

Filed: March 27, 2000

For: Hedging Exchange Traded Mutual Funds  
or Other Portfolio Basket Products

Art Unit: 3628

Examiner: Charles

Atty. Docket: 00322.0007.NPUS00

OFFICIAL

**Reply and Amendment Under 37 C.F.R. § 1.111**

***Mail Stop Non-Fee Amendment***

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated October 4, 2003, (PTO Prosecution File Wrapper Paper No. 5), Applicants submit the following Amendment and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00322.0007.NPUS00.



1299 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004-2402  
PHONE: 202.783.0800 • FAX: 202.383.6610

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DATE: January 9, 2004

TO: NAME: Examiner Debra F. Charles

COMPANY: United States Patent and Trademark Office

FAX NUMBER: (703) 872-9306 PHONE NUMBER: (703) 305-4718

CITY: Alexandria, VA

FROM: NAME: Michael J. Stimson

DIRECT DIAL NUMBER: (202) 383-6906 USER ID: 2382

NUMBER OF PAGES, INCLUDING COVER: 21 CHARGE NUMBER: 00322.0007.NPUS00

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SUPPLEMENTAL MESSAGE:

Dear Examiner Charles:

This is a courtesy copy of the amendment we filed on December 30, 2003 in application number 09/536,258. I look forward to our telephone interview at 10 a.m. on Friday, January 16, 2004.

Sincerely,  
Michael J. Stimson  
Reg. No. 45,429

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE PLEASE CALL 202.383.7137

Atty. Ref.: 00322.0007.NPUS00

Date: December 30, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Gary L. GASTINEAU *et al.*

Serial No.: 09/536,258

Filing Date: March 27, 2000

Art Unit 3628

Examiner: Charles

Title: Hedging Exchange Traded Mutual Funds or Other Portfolio Basket Products

**MAIL STOP NON-FEE AMENDMENT**

Commissioner for Patents

P.O. 1450

Alexandria, VA 22313-1450

Sir:

Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. Letter to the Commissioner for Patents (in duplicate);
2. Reply and Amendment Under 37 C.F.R. § 1.111; and
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Atty. Ref.: 00322.0007.NPUS00

Date: December 30, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Gary L. GASTINEAU *et al.*

Serial No.: 09/536,258

Filing Date: March 27, 2000

Art Unit 3628

Examiner: Charles

Title: Hedging Exchange Traded Mutual Funds or Other Portfolio Basket Products

**MAIL STOP NON-FEE AMENDMENT**

Commissioner for Patents

P.O. 1450

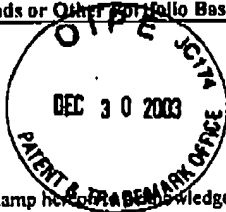
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1299 PENNSYLVANIA AVE., NW  
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December 30, 2003

***Mail Stop Non-Fee Amendment***

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/536,258  
Filed: March 27, 2000  
For: **Hedging Exchange Traded Mutual Funds or  
Other Portfolio Basket Products**  
Inventor: G. Gastineau *et al.*  
Our Ref: 00322.0007.NPUS00

Sir:

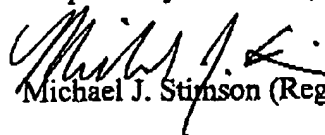
The following documents are forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Reply and Amendment Under 37 C.F.R. § 1.111; and
2. Return Receipt Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038, referencing the above docket number. *A duplicate copy of this letter is enclosed.*

Respectfully submitted,

  
Michael J. Stinson (Reg. No. 45,429)

Enclosures